

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ANTHONY OLIVER, TERRY GAYLE  
QUINTON, SHAWN O'KEEFE, ANDREW  
AMEND, SUSAN BURDETTE, GIANNA  
VALDES, DAVID MOSKOWITZ,  
ZACHARY DRAPER, NATE THAYER and  
MICHAEL THOMAS REID on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

AMERICAN EXPRESS COMPANY and  
AMERICAN EXPRESS TRAVEL RELATED  
SERVICES COMPANY, INC.,

Defendants.

Case No. 1:19-cv-00566 (NGG)(SJB)

**CLASS ACTION**

**PLAINTIFFS' NOTICE OF UNOPPOSED MOTION AND  
UNOPPOSED MOTION FOR LEAVE TO AMEND**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Plaintiffs' Unopposed Motion For Leave To Amend, Plaintiffs Anthony Oliver, Terry Gayle Quinton, Shawn O'Keefe, Andrew Amend, Susan Burdette, Gianna Valdes, David Moskowitz, Zachary Draper, Nate Thayer and Michael Thomas Reid ("Plaintiffs"), by their attorneys of record, hereby move this Court, before the Honorable Magistrate Judge Sanket J. Bulsara, at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201, at a date and time to be determined by the Court, for an order granting Plaintiffs' request pursuant to Fed. R. Civ. P. 15(a)(2) for leave to file their proposed Amended Class Action Complaint, a copy of which is attached as Exhibit 1 to the accompanying Declaration of Todd A. Seaver in Support of Plaintiffs' Unopposed Motion For Leave To Amend.

The grounds for the amendment are to allow Plaintiffs to join fifteen individual consumers as party-plaintiffs who are alleged to have relevant transactions as residents of those states for which damages claims arising under state antitrust and/or consumer protection statutes the Court has sustained. Plaintiffs respectfully request that their motion for leave to file the proposed amended pleading be granted pursuant to Rule 15(a)(2). Amendment is sought in good faith, is not prejudicial to Defendants, is not unduly delayed, and is not futile. *Foman v. Davis*, 371 U.S. 178, 182 (1962).

This Motion is based on the accompanying Memorandum of Law in Support of Plaintiffs' Unopposed Motion For Leave To Amend; the Declaration of A. Seaver in Support of Plaintiffs' Unopposed Motion For Leave To Amend, and the exhibits attached thereto; all pleadings and records filed herein; the argument of counsel; and such oral and documentary evidence as may be presented at the hearing of this motion.

DATED: August 19, 2021

Respectfully submitted,

**BERMAN TABACCO**

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